

# **VIRGINIA BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**



## **MOLD INSPECTOR AND REMEDIATOR REGULATIONS**

**Effective July 1, 2011**

### **STATUTES**

**Title 54.1, Chapter 5**

*Virginia*

**DPOR**  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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## **STATEMENT OF PURPOSE**

This booklet contains the information you will need to obtain your Virginia Mold Inspector and Remediator licenses. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 5. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your license.

**BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Virginia Board for Asbestos, Lead, Mold, and Home Inspectors  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233

or call the Agency at (804) 367-8595.

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## **Part I**

### **Exemptions from Licensure Requirement**

#### **18VAC15-60-10. Exemptions from licensure requirement.**

This chapter shall not apply to the following:

1. An individual performing mold remediation in an area in which the mold contamination for the total project affects a total surface area of less than 10 square feet;
2. An owner or the managing agent or employee of an owner performing mold inspections or mold remediation on the owner's residential property, provided such property contains no more than four residential dwelling units;
3. Lab technicians who analyze mold samples as long as it is limited to analysis that is performed solely in a laboratory;
4. An individual performing activities limited to power washing and surface cleaning of a building exterior;
5. Phase I environmental site assessments conducted in accordance with ASTM E1527-05 standards that, through the routine conduction of the inspection, indicate the presence of mold. Such inspections shall not include any further investigation of the mold or any other duties of a mold inspector as defined in this chapter;
6. Professional engineers correcting a moisture problem only; or
7. Any individual applying chemicals to a wood structure for the sole purpose of controlling wood-destroying pests in compliance with the Virginia Pesticide Control Act (§ 3.2-3900 et seq. of the Code of Virginia).

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part II**

### **Definitions**

#### **18VAC15-60-20. Definitions.**

Section 54.1-500 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Mold" means any living or dead fungi or related products or parts, including spores, hyphae, and spore-producing structures.

"Mold analysis" means the examination of a sample collected during a mold inspection for the purpose of (i) determining the amount or presence of or identifying the genus, species, or functional grouping of any living or dead mold present in the sample or (ii) identifying or determining the amount or presence of any fungal products including, but not limited to, mycotoxins and fungal volatile organic compounds present in the sample.

"Mold inspection" means (i) an inspection, investigation, or survey of a dwelling or other structure to determine the presence of mold; (ii) the development of a mold management plan or mold remediation protocol; or (iii) the collection or analysis of a mold sample.

"Mold inspector" means an individual who has been licensed by the board to perform mold inspections.

"Mold remediation" means cleaning mold from building material surfaces or the removal of contaminated building materials that are unsalvageable and other activities, including applying biocides or antimicrobial compounds and sanitization protocols, intended to prevent future mold contamination.

"Mold remediator" means an individual licensed by the board to perform mold remediation.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or any other individual or entity.

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise.

"Approved mold training course" means any training course offered by a person who has been approved by the board to provide training for individuals that is required for obtaining an

initial license or renewing an existing license as a mold remediator worker, mold remediator supervisor, or mold inspector.

"Approved mold training provider" means a person who has been approved by the board to offer one or more approved mold training courses.

"Applicant" means an individual seeking licensure that has submitted a fully executed application or any person seeking board approval to offer mold training courses.

"Application" means a board-prescribed form submitted with the appropriate fee and other required documentation including, but not limited to, references, employment verification, degree verification, and verification of examination and licensure, certification, or registration.

"ASTM" means the American Society for Testing and Materials.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Discipline" means any one of the specific licenses of mold remediator worker, mold remediator supervisor, or mold inspector.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination of these, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits from the use of property.

"Guest instructor" means an individual designated by an approved mold training provider's training manager or primary instructor to provide instruction specific to a component of an approved mold training course.

"IEC" means the International Electrotechnical Commission.

"Instructor" means a person designated by an approved mold training provider who instructs one or more approved mold training courses. This definition excludes guest instructors.

"ISO" means the International Organization for Standardization.

"Late renewal" means a period of time during which a regulant may renew a license, certificate, or registration after its expiration date by paying an established fee without having to meet additional requirements.

"Licensed mold inspector" means any individual who meets the requirements of this chapter and is granted a license by the board to conduct mold inspections and mold assessments.

"Licensed mold remediator supervisor" means any individual who meets the requirements of this chapter and is granted a license by the board to conduct and supervise mold remediations.

"Licensed mold remediator worker" means any individual who meets the requirements of this chapter and is granted a license by the board to conduct mold remediations.

"Licensee" means any person as defined by § 54.1-500 of the Code of Virginia who has been issued and holds a currently valid license as a mold remediator worker, mold remediator supervisor, or mold inspector under this chapter.

"Phase I Environmental Site Assessment" means an environmental site assessment as defined in ASTM standard E-1527-05.

"Professional engineer" means an individual currently licensed in the Commonwealth of Virginia as a professional engineer.

"Reciprocity" means the recognition of licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as permitted by § 54.1-103 C of the Code of Virginia.

"Refresher course" means a specific approved mold training course established by this chapter that must be periodically completed to maintain an individual's license in a single discipline.

"Regulant" means a licensee or an approved mold training provider.

"Renewal" means the process and requirements for periodically approving a regulant to continue practicing.

"Substantially equivalent" means requirements that do not conflict with and are at least as rigorous as this chapter and supporting statutes of the board.

"Training hour" means at least 50 minutes of actual instruction including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or hands-on experience.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*



## **Part III**

### **Entry**

#### **18VAC15-60-30. Application procedures.**

A. All applicants seeking licensure or training course approval shall submit an application with the appropriate fee specified in 18VAC15-60-100. Application shall be made on forms provided by the department.

B. By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

C. The receipt of an application and the deposit of fees by the board do not indicate approval by the board.

D. The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

E. Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months of the date of the department's receipt of the original application shall submit a new application and fee.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-40. Qualifications for licensure - individuals.**

A. All applicants shall meet all entry requirements in effect at such time that the application is received by the department.

1. Name. The applicant shall disclose his full legal name.

2. Age. The applicant shall be at least 18 years old.

3. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

4. Specific entry requirements.

a. Mold remediator worker. Each individual applying for an initial mold remediator worker license shall provide proof of successful completion of an initial mold remediator worker course and all subsequent refresher mold remediator worker courses from a board-approved mold training provider. The training must have been completed within 36 months preceding the date that the department receives the application.

b. Mold remediator supervisor.

(1) Provide proof of successful completion of an initial mold remediator supervisor course and all subsequent refresher mold remediator supervisor courses from a board-approved mold training provider. The training must have been completed within 12 months preceding the date that the department receives the application; and

(2) Provide proof of one year of experience in a mold or another related environmental remediation field.

c. Mold inspector.

(1) Provide proof of successful completion of an initial mold inspector course and all subsequent refresher mold inspector courses from a board-approved mold training provider. The training must have been completed within 12 months preceding the date that the department receives the application; and

(2) Provide evidence of experience of performing mold inspections including the activities as defined in this chapter. The amount of experience is dependent on the applicant's education as follows:

(a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science, environmental science, biological science, or a related field shall have at least six months of experience or have completed a minimum of five mold inspections;

(b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science, environmental science, biological science, or a related field shall have at least 12 months of experience or have completed a minimum of 10 mold inspections; or

(c) An applicant with a high school diploma or equivalent shall have at least 24 months of experience or have completed a minimum of 15 mold inspections.

5. Experience verification. Each application for mold remediator supervisor and mold inspector shall include documentation that verifies the applicant's experience as a mold remediator supervisor or mold inspector as defined in this chapter.

6. Education verification. For verification of a high school diploma or equivalent, a copy of the diploma or equivalent must accompany the application. College degrees must be verified by one of the following:

a. Completing an education verification form provided by the board that shall be sent directly from the school to the department; or

b. The board's receipt of official transcripts from the college or university.

7. Training verification. Each application for mold remediator worker, mold remediator supervisor, and mold inspector shall include a copy of the certificate of completion from the initial training course and all subsequent refresher courses that shall be specific to the discipline of the license being applied for.

8. Convictions. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose all convictions, in any jurisdiction, of all misdemeanors and felonies. Any plea of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

9. Disciplinary action. Each applicant shall disclose any disciplinary action taken in any jurisdiction, including Virginia, in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.

10. Standards of practice and conduct. Applicants shall be in compliance with the standards of practice and conduct set forth in this chapter as applicable at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

11. Standing. The applicant shall be in good standing in every jurisdiction where licensed, certified, or authorized and the applicant shall not have had a license, certification, or authorization that was suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary action by any jurisdiction.

B. The board may issue a license to perform mold inspections or mold remediation to any applicant who is certified by a national or state professional mold inspectors or mold remediators association approved by the board, provided that the requirements for the applicant's class of membership in such association at the time such membership was granted are substantially equivalent to the requirements established by the board for all applicants.

C. Applicants shall have one year from the date of the board's receipt of the application and fee to correct any deficiencies and provide the board with all required documentation and information. Applications not completed within one year of the date of the board's receipt of the application shall not be further considered by the board for approval. The applicant shall be required to submit to the board a new application and fee.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-50. Qualifications for approval as a mold training provider.**

A. Persons requesting approval as a mold training provider to offer courses to prepare applicants for initial licensure, as well as to prepare applicants and licensees for continued licensure, shall meet the requirements established by this chapter before being granted approval to offer an approved mold training course.

B. A completed application submission shall consist of all information required by this section. Receipt of an application by the department in no way indicates approval of a training course.

C. All training courses shall be discipline-specific. An applicant may seek approval to offer initial or refresher courses in any of the license disciplines as defined in this chapter. A separate application shall be made for each course. Application shall be made on forms provided by the board and shall include the following:

1. Training provider's business name, physical address, mailing address, and phone number.
2. The course discipline and type, initial or refresher, for which approval is sought.
3. A syllabus that contains the complete training course curriculum.
4. A copy of all training course materials including, but not limited to, student manuals, instructor notebooks, handouts, and training aids.

5. A copy of all examinations used and the corresponding answer sheets.
6. A description of all facilities and equipment to be used for lecture and hands-on training as applicable to the course.
7. A narrative that states how the training course meets the requirements for approval in the following areas:
  - a. Length of training in hours.
  - b. Examination content, length, format, and passing score.
  - c. Topics covered in the training course.
  - d. Examination administration and integrity.
8. The names of each instructor including resumes, education, training, experience, and certifications relevant to his qualifications to teach the course.
9. An example of a certificate that will be issued to students who successfully complete the approved mold training course. The certificate shall contain the information listed in 18VAC15-60-210.
10. A statement signed by the training manager that certifies that the training course meets the minimum requirements established in this chapter.

D. An approved mold training course must be approved by the board before its certificates shall be accepted by the board to satisfy initial licensure or renewal licensure training requirements. The completion of a mold training course that occurs prior to a course's board approval shall not be used to satisfy board licensure training requirements.

E. Each training course shall be conducted in compliance with this chapter to qualify for and maintain its board approval.

F. Online courses shall not be accepted by the board for approval.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-60. Training course approval by reciprocity.**

The board may grant approval to conduct mold training courses to any applicant who is approved in another state provided that the requirements at the time of that state's approval are substantially equivalent to the requirements established by the board for mold training course approval.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-70. Licensure by reciprocity.**

A person holding a current license, certificate, or registration to engage in the practice of mold inspection or mold remediation issued to the applicant by another state, the District of Columbia, or any territory or possession of the United States based on requirements that are substantially equivalent to this chapter and supporting statutes of this board that were in effect at the time of original licensure, certification, or registration may be licensed. If the applicant does not meet the requirements for licensure in Virginia, then the applicant shall meet the entry requirements that are current at the time the completed application for reciprocity is received by the department.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-80. Application denial.**

The board may refuse initial licensure due to an applicant's failure to comply with entry requirements or for any of the reasons that it may discipline a regulant. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia. The denial is considered to be a case decision and is subject to appeal under Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part IV**

### **Fees**

#### **18VAC15-60-90. General fee requirements.**

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-100. Application fees.**

Fee Type	Fee Amount	When Due
Application for mold remediator worker	\$25	With application
Application for mold remediator supervisor	\$25	With application
Application for mold inspector	\$25	With application

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-110. Renewal fees.**

Fee Type	Fee Amount	When Due
Renewal of mold remediator worker license	\$25	With renewal application
Renewal of mold remediator supervisor license	\$25	With renewal application
Renewal of mold inspector license	\$25	With renewal application
Late renewal of mold remediator worker license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application
Late renewal of mold remediator supervisor license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application
Late renewal of mold inspector license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*



## **Part V**

### **Renewal**

#### **18VAC15-60-120. Renewal required.**

A. Each individual mold remediator worker, mold remediator supervisor, and mold inspector license issued under this chapter shall expire one year from the last day of the month in which it was issued.

B. A fee shall be required for renewal as specified in 18VAC15-60-110.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-130. Procedures for renewal.**

A. The department shall mail a renewal notice to each licensee at the licensee's last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew in a timely fashion.

B. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the refresher training requirement for license renewal as established in 18VAC15-60-140 and the appropriate fee specified in 18VAC15-60-110. The board will only accept mold training courses that were specifically approved by the board at the time that the training was completed. A copy of the training certificate documenting the successful completion of the refresher training for the license discipline being renewed shall accompany the renewal notice and fee.

C. By renewing the license, the regulant is certifying his continued compliance with the Standards of Conduct and Practice in Part X (18VAC15-60-160 et. seq.) of this chapter.

D. Refresher training certificates shall only be used once to renew a mold remediator supervisor or mold inspector, as appropriate, license.

E. Each license that is not renewed within 30 days of the expiration date on the license shall be subject to late renewal fees as established in 18VAC15-60-110.

F. Any licensee who fails to renew his license within six months after the expiration date on the license shall not be permitted to renew and shall apply as a new applicant and meet all entry requirements as established by this chapter.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-140. Qualifications for renewal.**

A. Licensees desiring to maintain an individual license shall satisfactorily complete a board-approved mold refresher training course not less than once every 12 months for inspector and remediator supervisor, and not less than once every 36 months for remediator worker. It is the licensee's responsibility to ensure the board's receipt of the proof of training completion, as appropriate, at the time of license renewal.

B. Refresher training shall be specific to the discipline of the license held.

C. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application, proof of initial or refresher, as appropriate, training completion, and renewal fee in accordance with 18VAC15-60-130.

D. A renewal applicant's submission of the renewal application and renewal fee to the board shall constitute a certification that the renewal applicant is in full compliance with the board's regulations.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-150. Board discretion to deny renewal.**

The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a regulant. The board may deny renewal of a license if the regulant has not met the terms of an agreement for licensure, has not satisfied all sanctions, or has not fully paid any monetary penalties or costs imposed by the board.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part VI**

### **Disciplinary Action and Reporting Requirements**

#### **18VAC15-60-160. Grounds for disciplinary action.**

A. The board shall have the authority to fine any licensee; deny renewal of, suspend, or revoke any license issued by the board; deny application for any individual license or approval as a provider of a mold training course; and withdraw board approval of the provider of a mold training course provided for under Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.), or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
2. Obtaining an individual license or approval as a mold training provider, or approval as a training manager or instructor through fraudulent means.
3. Altering, falsifying, or issuing a fraudulent Virginia individual mold license or a training certificate.
4. Violating any provision of any federal, state, or local law or regulation pertinent to mold remediation and mold inspection.
5. Having been found guilty by the board, another regulatory authority, or a court of any misrepresentation in the course of performing his mold inspection or remediation duties.
6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication, in any jurisdiction of the United States of any felony or of any misdemeanor, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction or discipline.
7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor.
8. Negligence or a continued pattern of incompetence in the practice of the discipline in which an individual mold license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Failing to comply with 18VAC15-60-170.

11. Failing to keep board-approved training and license current.

B. Any person whose license, approval as a mold training provider, or approval as a training manager or instructor is revoked or withdrawn under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation or withdrawal of approval. The person shall meet all education, experience, training, and documentation requirements, complete the application, and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-170. Maintenance of license.**

A. A regulant shall report all changes of address to the board in writing within 30 calendar days of the change and shall return the license to the board. A physical address is required for each license. A post office box is acceptable only when a physical address is also provided. If the regulant holds more than one license issued by the board, the regulant shall inform the board of all licenses affected by the address change.

B. A regulant shall operate under the name in which the license is issued. Regulants shall report any change of individual name to the board in writing within 30 calendar days of the name change and shall return the license to the board. If the regulant holds more than one license issued by the board, the regulant shall inform the board of all licenses affected by the name change.

C. No license issued by the board shall be assigned or otherwise transferred.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-180. Notice of adverse action.**

Regulants shall notify the board of the following actions:

1. Any disciplinary action taken by another jurisdiction, board, or administrative body of competent jurisdiction including, but not limited to, any reprimand, revocation, suspension or denial, monetary penalty, or requirement for remedial education or other corrective action taken on any license, certification, registration, or authorization of the regulant.
2. Any voluntary surrendering of a license, certificate, registration, approval, or authorization done in connection with an open disciplinary action in another jurisdiction.
3. Any conviction or finding of guilt, regardless of adjudication or deferred adjudication, of any felony or of any misdemeanor. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

All notices must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-190. Response to inquiry and provision of records.**

- A. A regulant must promptly respond to the board or any of its agents regarding a complaint.
- B. The regulant must promptly produce to the board or any of its agents, any document, book, record, or copy thereof in which the regulant was involved or that is in the regulant's possession or control concerning a transaction covered by this chapter, or for which the regulant is required to maintain records.
- C. A regulant shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part VII**

### **Training Provider and Training Course Requirements**

#### **18VAC15-60-200. Training provider personnel.**

##### **A. Training managers.**

1. Approved mold training course providers shall designate a board-approved training manager to administer the mold training courses offered by the provider. The training manager shall meet the following requirements:

- a. Have a minimum of two years experience in teaching adults; or
- b. Have a minimum of three years experience in the mold remediation industry.

2. Training managers shall be responsible for ensuring that the training provider complies at all times with the requirements of this chapter. Training managers shall also be responsible for:

a. Maintaining the validity and integrity of each course examination to ensure that it accurately evaluates the student's knowledge and retention of the course topics.

b. Designating course instructor(s).

c. Developing and implementing a quality control plan. The plan shall be used to maintain and improve the quality of the approved mold training courses as advances in the industry are made. This plan shall contain at least the following elements:

(1) Procedures for periodic revision of training materials and course test to reflect innovations in the field.

(2) Procedures for the training manager's annual review of instructor competency.

3. Any training manager who intends to also serve as an instructor shall meet the requirements of subsection B of this section.

B. Training course instructors.

1. Mold training course instructors are responsible for the organization of the course and oversight of the teaching of all course material.
2. Board-approved mold training courses shall only utilize board-approved instructors to teach a mold training course. All instructors shall have a minimum of 24 hours of mold specific training and two years of experience in the mold remediation or mold assessment industry.
3. Guest instructors may be utilized to assist in teaching a mold training course and shall be exempt from the instructor qualifications in this subsection. Guest instructors are limited to no more than two hours of instruction per course per day.

C. Documentation of instructors and training manager.

1. The following documents shall be recognized by the board as proof that training managers and instructors meet the relevant work experience and training requirements specifically listed in this section:
  - a. Signed letters of reference or verification letters from the applicant's supervisor as proof of meeting the work experience requirements.
  - b. Certificates from mold-specific training courses as proof of meeting the training requirements.
2. Instructor qualifications shall be reviewed and approved by the board prior to the instructor teaching an approved mold training course.
3. Instructors will be notified in writing of their approval to teach mold training courses.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-210. Training course general requirements.**

- A. In no case shall actual mold training exceed eight hours in a 24-hour period.
- B. The total hours of actual training for any training course, including examination, shall be completed within a continuous two-week time frame, from start to finish.

C. All initial and refresher approved mold training courses shall be discipline specific.

D. Approved mold remediator supervisor and mold inspector training courses shall be taught in English.

E. Prior to the start of any approved mold training course, the training provider shall prepare a course outline that shall be distributed to each student at the start of the course. The outline shall contain the following minimum information:

1. Training course title and total hours of training;
2. Course instructor(s); and
3. Daily schedule specifying the time of each training topic, activity, break, and the examination.

F. Approved mold training course providers shall issue a course completion certificate to each individual who attends the course in full and successfully completes all course requirements. The certificate shall include the following information:

1. Training course title and length of training in hours. For mold remediator worker courses completed in languages other than English, the certificate shall indicate the language of the course.
2. Name, address, and telephone number of the training provider.
3. Complete address of training location.
4. Name and address of the student.
5. Unique certificate number generated by the training provider.
6. Statement affirming that the student attended the course and successfully completed its examination.
7. Examination date.
8. Training certificate expiration date. The training certificate expiration date for any mold remediator supervisor or mold inspector course shall be 12 months from the last day



of the month when the course was completed. For any mold remediator worker course, the certificate expiration date shall be 36 months from the last day of the month when the course was completed.

9. Signature and name of the approved mold training course provider's training manager and course instructor. The signatures may be printed facsimiles.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-220. Worker course requirements.**

A. The mold remediator worker initial course shall include lectures, demonstrations, and other activities directly related to the duties of a mold remediator worker.

B. The mold remediator worker initial course shall last a minimum of 16 hours with a minimum of six hours of hands-on training and shall address the following topics:

1. Role and responsibilities of a mold remediator worker.
2. Background information on mold including health effects.
3. Relevant federal, state, and local regulatory requirements related to mold remediation activities including the requirements of this chapter.
4. Employee personal protective equipment.
5. Workplace safety hazards, including other environmental hazards such as lead and asbestos.
6. Knowledge of building construction as related to eliminating moisture problems including elements of airflow, mechanisms of moisture and heat flow, humidity, the building envelope, and porous and nonporous materials.
7. Current relevant industry work practices and standards.
8. Course review of key concepts.
9. Examination.

C. The mold remediator worker refresher course shall last a minimum of four hours and include the following topics:

1. Comprehensive review of the initial course topics with specific emphasis and update on current relevant mold remediation industry work practices and standards.
2. Examination.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-230. Supervisor course requirements.**

A. The mold remediator supervisor initial course shall include lectures, demonstrations, and other activities directly related to the duties of a mold remediator supervisor.

B. The mold remediator supervisor initial course shall last a minimum of 24 hours with a minimum of eight hours of hands-on training and shall address the following topics:

1. Role and responsibilities of a mold remediator supervisor.
2. Background information on mold including health effects.
3. Relevant federal, state, and local regulatory requirements related to mold remediation activities, including the requirements of this chapter.
4. Employee personal protective equipment.
5. Workplace safety hazards, including other environmental hazards such as lead and asbestos.
6. Knowledge of building construction as related to eliminating moisture problems, including elements of airflow, mechanisms of moisture and heat flow, humidity, the building envelope, and porous and nonporous materials.
7. Current relevant industry work practices and standards, including the use and reading of moisture meters, duct cleaning, and use of drying equipment.
8. Development and implementation of an occupant protection plan and a remediation activities report.

9. Liability and insurance issues relating to mold remediation.
10. Overview of sampling and mold inspection report interpretation.
11. Contract specification key elements.
12. Recordkeeping for mold remediation projects.
13. Supervisory techniques for mold remediation activities including implementation of required work practices and prevention of unsafe work practices.
14. Course review of key concepts.
15. Examination.

C. The mold remediator supervisor refresher course shall last a minimum of four hours and include the following topics:

1. Comprehensive review of the initial course topics with specific emphasis and update on current relevant mold remediation industry work practices and standards.
2. Review of contract specifications, mold inspection reports, and other pertinent records.
3. Examination.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-240. Inspector course requirements.**

A. The inspector initial course shall include lectures, demonstrations, and other activities directly related to the duties of a mold inspector.

B. The mold inspector initial course shall last a minimum of 24 hours with a minimum of four hours of hands-on training and shall address the following topics:

1. Role and responsibilities of a mold inspector.

2. Background information on mold including health effects.
3. Relevant federal, state, and local regulatory requirements related to mold remediation activities, including the requirements of this chapter.
4. Employee personal protective equipment.
5. Workplace safety hazards, including other environmental hazards such as lead and asbestos.
6. Knowledge of building construction as related to eliminating moisture problems, including elements of airflow, mechanisms of moisture and heat flow, humidity, the building envelope, and porous and nonporous materials.
7. Current relevant industry work practices and standards, including the use and reading of moisture meters and an understanding of HVAC systems.
8. Pre-inspection planning and review of previous inspection records.
9. Mold inspection report interpretation and recordkeeping.
10. Liability and insurance issues relating to mold inspection.
11. Inspection and sampling techniques for mold and assessment of the condition of mold.
12. Designing a mold management plan and mold remediation protocol to be carried out by a mold remediator supervisor and workers.
13. Public/employee/building occupant relations.
14. Course review of key concepts.
15. Examination.

C. The mold inspector refresher course shall last a minimum of four hours and include the following topics:

1. Comprehensive review of the initial course topics with specific emphasis and update on current relevant mold inspection and remediation industry work practices and standards.
2. Review of mold inspection reports, remediation plans, and other pertinent records related to mold inspection.
3. Examination.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-250. Examinations.**

A. Upon the conclusion of instruction and training course activities, the training provider shall administer an examination to the students. The purpose of the examination is to measure the overall effectiveness of the training by testing the student's knowledge and retention of the topics covered during the course.

B. Course examinations shall be administered by the course instructor or training manager and must cover the topics included in the training course.

C. All examinations shall be closed-book, multiple choice questions, with a passing score of 70% or higher. The requirements for the examination of each course shall be as follows:

1. The mold remediator worker initial examination shall consist of 50 items.
2. The mold remediator supervisor initial examination shall consist of 100 items.
3. The mold inspector initial examination shall consist of 100 items.
4. All refresher course examinations shall consist of 50 items.

D. The examination for all mold remediator supervisor and mold inspector courses shall be read and answered in writing by the student. The examination for any mold remediator worker course may be given to the student orally only if the student is unable to read and answer the examination in writing.

E. Students shall be allowed two attempts to pass the examination immediately following the conclusion of course instruction and activities. If the student is unable to pass the examination

after two attempts, the course shall be repeated in its entirety before the student shall be allowed to take the examination again.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part VIII**

### **Standards of Practice and Conduct for Approved Mold Training Programs**

#### **18VAC15-60-260. Recordkeeping.**

A. Each approved mold training provider shall maintain and make available upon request from the board the following records:

1. All documents specified in 18VAC15-60-200 that demonstrate the qualifications of the training manager and instructors.
2. Copies of each current course outline and training certificate as specified in 18VAC15-60-210.
3. Copies of each course examination and applicable answer keys.
4. Results of each student's course examination and a copy of each student's course completion certificate.
5. Copies of any of the material that was submitted to the board as a part of the training provider's original application for board approval.
6. Any other material not listed in this chapter that is utilized by the training provider in any of the training courses for which it is approved.

B. Training providers shall maintain the above records for a minimum period of three years.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-270. Changes to approved training providers.**

A. When an approved mold training provider offering any approved mold training course has a change of ownership, the new owner shall make written notification to the board within 30 days of the change of ownership. The new owner shall comply with the requirements of this chapter in order to maintain approval.

B. After a mold training course has been approved, any substantial changes in the training course shall be submitted to the board for review and approval prior to the continuation of the approved mold training course, which includes the following:

1. Course curriculum.
2. Course examination.
3. Course training materials.
4. Training manager and instructors.
5. Certificate of completion.

C. The board shall communicate its approval or disapproval of any changes in the same manner as for initial applications for course approval.

D. The approved mold training provider shall notify the board no less than 30 days prior to relocating its business, transferring its records, changing its telephone number, changing its course instructors, or ceasing its business operations.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-280. Status of approval.**

The board may withdraw approval of any mold training course for the following reasons:

1. The training program manager, instructors, or training courses no longer meets the standards established in this chapter.
2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.
3. The training provider fails to comply with a board request for documentation or other materials from the provider.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*



## **Part IX**

### **Standards for Conducting Mold Inspection and Remediation Activities**

#### **18VAC15-60-290. General standards of individual practice and conduct.**

A. Individuals conducting mold inspection or mold remediation activities shall comply with the work practice standards enumerated in this chapter.

B. Individuals conducting mold inspections or mold remediations shall comply with § 54.1-1100 et seq. of the Code of Virginia as appropriate.

C. Inspectors and remediators shall comply with all other relevant local, state, and federal regulations including 29 CFR Part 1910, 29 CFR Part 1926, and other regulations as applicable to mold inspection and remediation.

D. Upon encountering any regulated hazardous materials for which the remediator or inspector is not qualified to handle including, but not limited to, asbestos and lead, the remediator or inspector shall inform the building owner or his agent, as appropriate, and advise of the need for services from the appropriate qualified professionals.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-300. Mold remediator worker.**

A licensed mold remediator worker shall conduct mold remediation activities as directed by the mold remediator supervisor.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-310. Mold remediator supervisor.**

A. The building owner or his agent shall be advised in writing by the mold remediator supervisor that a third party pre-remediation inspection prior to the start of the mold remediation project and a third-party post-remediation inspection at the conclusion of the mold remediation project are options.

B. A licensed mold remediator supervisor shall be physically present at all times that mold remediation activities are being conducted.

C. The licensed mold remediator supervisor shall ensure that all remediation activities are conducted according to the requirements of this chapter and all other applicable federal, state, and local laws and regulations.

D. The licensed mold remediator supervisor shall be responsible for following the mold management plan and mold remediation protocol.

E. The licensed mold remediator supervisor shall keep a daily log of mold remediation activities, which shall include the following minimum information:

1. The name and license number of each mold remediator worker that participated in whole or in part of the remediation.
2. The start and end dates of the remediation.
3. Records of any readings taken by the workers or supervisor as part of the remediation.

F. Upon completion of the remediation, the licensed mold remediator supervisor shall sign a statement declaring that the remediation scope of work has been completed. The statement shall be retained as part of the record for the mold remediation.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-320. Mold inspector.**

Licensed mold inspectors shall conduct inspection activities in accordance with the following:

1. The visual inspection and physical sampling of mold shall be conducted using documented methodologies that incorporate adequate quality control procedures;
2. Air sampling for the presence of mold is optional, but when performed shall be conducted using documented methodologies that incorporate adequate quality control procedures;

3. Collected mold samples shall be sent to a laboratory capable of performing mold analysis that is accredited or certified by an organization that meets international program requirements established under ISO/IEC 17011;
4. The licensed inspector shall prepare an inspection report after his completion of the mold inspection. The report shall include the following minimum information:
  - a. Dates of the start and finish of each inspection;
  - b. Physical address of the building receiving the inspection;
  - c. Name and address of the building owner;
  - d. Name, signature, and license number of each licensed inspector conducting testing;
  - e. Name, address, and telephone number of the firm employing each inspector;
  - f. Each device and sampling procedure employed for mold inspection, including instrument calibration data;
  - g. Specific locations of each mold sample taken;
  - h. Location, condition, and type of all mold identified during inspection;
  - i. Copy of the laboratory report containing the results of all mold sampled from the inspection;
  - j. Explanation of the potential source and cause of the mold or recommendations for further investigation of the mold intrusion by qualified professionals; and
  - k. Mold management plan and mold remediation protocol, if contracted to perform these duties by the building owner or his authorized agent, using documented methodologies that incorporate adequate quality control procedures;
5. All inspection reports, mold management plans , and mold remediation protocols shall be maintained by the licensed inspector who prepared them for at least three years after the date of the completion of the inspection. The licensed inspector shall provide copies of the reports and plans to the building owner or to the person that contracted for his services; and

6. If contracted to perform a post-remediation verification by the building owner or his authorized agent, the licensed mold inspector shall use documented methodologies that incorporate adequate quality control procedures.

a. Following a remediation, a visual inspection shall be performed by the licensed inspector to determine if there is any evidence of the presence of mold.

b. If mold is still present contrary to the specifications of the remediation plan, these conditions shall be remediated prior to the continuation of the post-remediation inspection.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

## **Part X**

### **General Standards of Practice and Conduct**

#### **18VAC15-60-330. Responsibility to the public.**

The primary obligation of the licensee shall be to the public. If the licensee's judgment is overruled under circumstances when the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences and notify the appropriate authorities if the situation is not resolved. The licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

#### **18VAC15-60-340. Public statements.**

A. The licensee shall be truthful in all matters relating to the performance of mold remediation and mold inspection services.

B. When serving as an expert or technical witness, the licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices that are inspired or paid for by an interested party or parties unless the licensee has prefaced the comment by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing any self-interest.

C. Licensees or applicants for license shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application for licensure or licensure renewal submitted to the board by any individual.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-350. Solicitation of work.**

In the course of soliciting work:

1. The licensee shall not bribe;
2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an associate's academic or professional qualifications, nor shall the licensee misrepresent the degree of responsibility for prior assignments;
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures, or past accomplishments of any kind; and
4. Materials used in the solicitation of services shall not misrepresent facts of approval or any federal, state, or local requirements.

#### ***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

### **18VAC15-60-360. Professional responsibility.**

A. The licensee or approved mold training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record, or report in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or approved mold training provider.

B. A licensee or approved mold training provider shall not use the design, plans, or work of another licensee or approved mold training provider without the original professional's knowledge and consent and, after consent, a thorough review to the extent that full responsibility shall be assumed by the user.

C. The mold inspector shall not disclose any information concerning the results of the mold inspection without the approval of the client for whom the mold inspection was performed. However, the mold inspector may disclose information in situations where imminent danger exists to life or health.

D. Approved mold training providers shall admit board representatives for the purpose of conducting an on-site audit or any other purpose necessary to evaluate compliance with this chapter to maintain board approval and other applicable laws and regulations.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-370. Good standing in other jurisdictions.**

A. Licensees that perform mold remediation work or inspections in other jurisdictions and approved mold training providers, training managers, or instructors that offer mold training in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved by an authorizing agency and shall not have had a license, certification, or approval suspended, revoked, or surrendered in connection with any disciplinary action.

B. Licensees and approved mold training providers, training managers, and instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or approval to perform mold remediation or inspection activities or offer mold training.

C. Licensees may be subject to disciplinary action for disciplinary actions taken by another jurisdiction. Approved mold training providers, training managers, and instructors may be subject to withdrawal of board approval to offer mold training as a result of disciplinary actions taken by another jurisdiction.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-380. Conflict of interest.**

A. No licensed mold remediator supervisor shall perform a mold remediation project if the mold remediation is to be performed by any individual with an employer/employee relationship, or financial interest in, the licensed mold inspector who conducted the inspection of the property unless the licensed mold remediator supervisor discloses the employer/employee relationship or financial interest to the building owner or his agent. A department-generated disclosure form shall be signed and dated by the licensed mold remediator supervisor and the building owner or his agent prior to the signing of any proposal or contract.

B. No licensed mold inspector shall perform a mold inspection if the inspection is to be performed by any individual with an employer/employee relationship, or financial interest in, the licensed mold remediator supervisor who conducted a remediation of the property unless the license mold inspector discloses the employer/employee relationship or financial interest to the

building owner or his agent. A department-generated disclosure form shall be signed and dated by the licensed mold inspector and the building owner or his agent prior to the signing of any proposal or contract.

C. The licensee shall not accept compensation, financial or otherwise, from more than one interested party for the same service on the same property without the written consent of all interested parties.

D. The licensee shall not accept commissions or allowances nor offer commissions or allowances, in connection with work for which the licensee is responsible either directly or indirectly from other parties. Additionally, the licensee shall not enter into any financial relationship with any party that may compromise the licensee's commitment to the best interest of his client.

E. The mold inspection shall not be used as a tool by the licensee to solicit or obtain work in another field, except for additional diagnostic inspections or testing.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**18VAC15-60-390. Responsibilities of a licensee.**

A. A licensee or approved mold training provider shall respond to an inquiry from the board or any of its agents within 15 business days.

B. A licensee shall produce to the board or any of its agents, upon demand, any written reports and supporting documentation concerning any mold remediation or mold inspection in which the licensee was involved, as well as any other records that the licensee shall maintain as required by this chapter.

C. A licensee shall keep the board informed of his current home address at all times. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A physical address is required; a post office box is only acceptable when provided in addition to the licensee's physical address. The board shall not be responsible for the licensee's failure to receive the board's correspondence as a result of the licensee's failure to inform the board of his correct address.

D. A licensee shall notify the board in writing of a name change within 30 calendar days after any change in the licensee's legal name. Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order, or other documentation that verifies the name change and was issued by an organization with the authority to make such a change.



E. A licensee shall retain all records pertaining to mold remediations and mold inspections performed including, but not limited to, all written reports and supporting documentation for a period of three years from the date of the completion of the mold remediation or mold inspection.

F. Each licensee shall keep his board-approved training and license current.

***Historical Notes:***

*Derived from VA.R. Volume 27, Issue 19, eff. July 1, 2011*

**Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2010 session. Any changes made during the 2010 session became effective July 1, 2010, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.**

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors.

"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.

"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" mean an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Mold" means any living or dead fungi or related products or parts, including spores, hyphae, and spore-producing structures.

"Mold analysis" means the examination of a sample collected during a mold inspection for the purpose of (i) determining the amount or presence of or identifying the genus, species, or functional grouping of any living or dead mold present in the sample or (ii) identifying or determining the amount or presence of any fungal products including, but not limited to, mycotoxins and fungal volatile organic compounds present in the sample.

"Mold inspection" includes (i) an inspection, investigation, or survey of a dwelling or other structure to determine the presence of mold; (ii) the development of a mold management plan or mold remediation protocol; or (iii) the collection or analysis of a mold sample.

"Mold inspector" means an individual who has been licensed by the Board to perform mold inspections.

"Mold remediation" means cleaning mold from building material surfaces or the removal of contaminated building materials that are unsalvageable and other activities, including applying biocides or antimicrobial compounds and sanitization protocols, intended to prevent future mold contamination.

"Mold remediator" means an individual licensed by the Board to perform mold remediation.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement. As used in this definition, "compensation" shall include the receipt of (i) pay for work performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

(1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. 185, 911; 1996, cc. 76, 176, 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819.)

§ 54.1-500.1. Virginia Board for Asbestos, Lead, Mold, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors shall be appointed by the Governor and composed of 15 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be certified home inspectors, one shall be a licensed mold inspector or a licensed mold remediator, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The mold inspector or mold remediator member appointed to the Board shall have practiced as a mold inspector or mold remediator for at least three consecutive years immediately prior to appointment. The mold inspector or mold remediator member shall not vote on any matters before the Board except matters related to mold inspection or remediation until July 1, 2010. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least four times each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period

of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

(1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 2001, c. 723; 2009, cc. 358, 819.)

#### § 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

7. Promulgate regulations for certification of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties;

8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule; and

9. Promulgate regulations for licensing of mold inspectors and mold remediators not inconsistent with this chapter regarding the professional qualifications of such applicants, the requirements necessary for passing applicable examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the mold inspectors and mold remediators licensed by the Board, the implementation of exemptions from licensure requirements, and the proper discharge of its duties. The Board shall have the discretion to impose different requirements for licensure for the performance of mold inspections and mold remediation.

(1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 649, 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819.)

#### § 54.1-501.1. Applicability.

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

(1992, c. 52.)

#### § 54.1-502. Interdepartmental implementation plan.

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

(1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.)

#### § 54.1-503. Licenses required.



A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

(1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 560, 885; 1998, c. 739; 2004, c. 133; 2009, c. 819.)

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

(1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.)

§ 54.1-505. Qualification for an asbestos contractor's license.

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

(1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846.)

§ 54.1-506.

Repealed by Acts 1993, c. 660.

§ 54.1-507.

Repealed by Acts 1992, c. 477.

§§ 54.1-508. , 54.1-509.

Repealed by Acts 1993, c. 660.

§ 54.1-510.

Repealed by Acts 1988, c. 802.

§ 54.1-511.

Repealed by Acts 1993, c. 660.

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

(1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846; 1998, c. 739; 2009, c. 819.)

§ 54.1-513.

Repealed by Acts 1998, c. 739.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

(1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. 180, 846.)

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

(1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.)

#### § 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, or renovation contractor or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of, (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the certification of a home inspector.

D. The Board may reprimand, fine, suspend, or revoke the license of a mold inspector or remediator.

(1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819.)

##### § 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call

when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

(2004, c. 222.)

#### § 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

(1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2009, c. 819.)

#### § 54.1-517.1. Applicability.

The certification program established under this article shall be voluntary and shall not be construed to restrict or otherwise affect the right of any person to conduct an inspection of a residential building for any purpose; however, no person may (i) refer to the inspection conducted as a "certified home inspection" or (ii) hold himself out as, or use the title of "certified home inspector," unless he has been certified in accordance with this article. Any person offering to provide or conduct a "certified home inspection" within the meaning of this chapter or through verbal claim, sign, advertisement, or letterhead representing himself as a "certified home inspector" shall be subject to the provisions of § 54.1-111 of this title.

(2001, c. 723.)

§ 54.1-517.2. Requirements for certification.

The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.

(2001, c. 723.)

§ 54.1-517.3. License required.

No individual shall offer to perform or perform mold inspections or mold remediation without a valid license issued by the Board, except as provided in § 54.1-517.4.

(2009, c. 358.)

§ 54.1-517.4. Exemptions from licensure.

The provisions of this article shall not apply to:

1. An individual performing mold remediation in an area in which the mold contamination for the total project affects a total surface area of less than 10 square feet; or
2. An owner or the managing agent or employee of an owner performing mold inspections or mold remediation on the owner's residential property, provided such property contains no more than four residential dwelling units.

(2009, c. 358.)

§ 54.1-517.5. Requirements for licensure.

A. The Board may issue a license to perform mold inspections or mold remediation in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;

2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

B. The Board may issue a license to perform mold inspections or mold remediation to any applicant who is certified by a national or state professional mold inspectors or mold remediators association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.

(2009, c. 358.)